

1 **CONCURRENT RESOLUTION ON UTAH PUBLIC LANDS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Keven J. Stratton**

5 Senate Sponsor: _____

6

LONG TITLE

7 **General Description:**

8 This concurrent resolution encourages the pursuit of legal action to obtain control of
9 federal public lands within the state of Utah.

10 **Highlighted Provisions:**

11 This resolution:

12 ▶ acknowledges the constitutional arguments that provide the basis to bring suit
13 against the federal government to obtain control over federal public lands within
14 Utah; and

15 ▶ encourages asserting a cause of action with the United States Supreme Court under
16 the Court's original jurisdiction of conflicts between the states and the United
17 States.

18 **Special Clauses:**

19 None

20

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

21 WHEREAS, the equal sovereignty principle requires that all states in the federal system
22 be equal in sovereignty with one another;

23 WHEREAS, the equal footing doctrine requires that states admitted after the original 13
24 receive the same sovereign rights enjoyed by the original states;

25 WHEREAS, the compact theory is based on the compact made between Congress and
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27



28 the newly admitted states that the new states would, over time, receive dominion over all the
29 land within their borders, bringing them to sovereign equality with the original states;

30 WHEREAS, an independent legal analysis has determined that, based on the legal
31 principles explained above, a valid constitutional basis exists upon which Utah could bring suit
32 against the federal government to obtain dominion over federal public lands within the state;

33 WHEREAS, the federal government has breached its admission compact with the state
34 of Utah and has failed to allow Utah dominion over the land within its borders as promised
35 upon admission;

36 WHEREAS, as a result of this breach, Utah does not in fact enjoy equal sovereignty
37 with the states in the federal system that do have dominion over the land within their borders,
38 and was not admitted to the Union on an equal footing with the original 13 states;

39 WHEREAS, because Utah is treated as less than a fully sovereign state by the federal
40 government, the citizens of Utah are denied equal rights when compared to citizens of fully
41 sovereign states;

42 WHEREAS, the denial of equal sovereign rights to Utah by the federal government
43 prevents Utah from making necessary and desirable public improvements and growing its
44 economy to its full potential, the way fully sovereign states can;

45 WHEREAS, this denies the citizens of Utah jobs and economic prosperity they would
46 otherwise enjoy;

47 WHEREAS, since Utah cannot enjoy growth and prosperity on an equal basis with fully
48 sovereign states, the state is also denied equal opportunity for political representation in the
49 federal House of Representatives and Electoral College, which is based upon population as
50 measured by the decennial census;

51 WHEREAS, to remedy this unequal status, which is intolerable to the citizens of Utah
52 and their elected representatives, the Legislature passed, and the Governor signed into law, the
53 Transfer of Public Lands Act, which demanded that the federal government extinguish title to
54 certain federal lands within the borders of Utah and transfer those lands to the state of Utah;

55 WHEREAS, the Transfer of Public Lands Act is the official law and policy of the state
56 of Utah;

57 WHEREAS, the federal government has refused to honor the policy of the state of Utah
58 as represented in the Transfer of Public Lands Act;

59 WHEREAS, the federal government is unable to adequately manage its public lands,
60 and continues to lose money in its land management efforts;

61 WHEREAS, the state of Utah is regularly regarded as one of the best-managed states in
62 the country and, because of this proven track record, seeks to obtain control over certain
63 federally owned public land within its borders; and

64 WHEREAS, by obtaining control of federal land in Utah, the state could ensure
65 appropriate conservation, secure public access, encourage multiple use, grow the economy, and
66 sustain proper land management:

67 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
68 Governor concurring therein, strongly encourages appropriate executive branch agencies to
69 pursue all means of legislative and legal efforts to secure the transfer and control of public
70 lands within the state of Utah to the state of Utah in accordance with Utah Code Title 63L,
71 Chapter 6, Transfer of Public Lands Act.

72 BE IT FURTHER RESOLVED that, in the absence of satisfactory legislative process,
73 the Legislature and the Governor demand a methodical, provident, effective, and appropriate
74 approach to assert a cause of action with the United States Supreme Court under the Court's
75 original jurisdiction of conflicts between the states and the United States no later than
76 December 1, 2017.

77 BE IT FURTHER RESOLVED that a copy of this resolution be sent to Utah's
78 congressional delegation.

Legislative Review Note
Office of Legislative Research and General Counsel